IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES

In re Application of	Atty. Docket
JEROEN A.H.M. SLOOT	PHNL 031327
Serial No.: 10/579,151	Group Art Unit: 2622
Filed: May 12, 2006	Examiner: M. Lee
	Confirmation No.: 1169

METHOD OF VIDEO IMAGE PROCESSING

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

APPEAL BRIEF

TABLE OF CONTENTS

(i) Real Party in Interest

The real party in interest in this application is KONINKLIJKE PHILIPS ELECTRONICS N.V. by virtue of an assignment from the inventors recorded on December 5, 2006, at Reel 017905, Frame 0349.

(ii) Related Appeals and Interferences

There are no other appeals and/or interferences related to this application.

(iii) Status of Claims

Claims 1 and 3-9 stand finally rejected by the Examiner. Claim 2 has been cancelled. Appellant hereby appeals the rejection of claims 1 and 3-9.

(iv) Status of Amendments

There was one Response filed on May 4, 2009, after final rejection of the claims on March 25, 2009, this Response having been considered by the Examiner.

(v) Summary Of Claimed Subject Matter

The invention comprises the re-scaling of a section of moving images, independently of the remainder of the moving images, which remainder may be left at its original size.

As claimed in claim 1, the subject invention includes:

A method of video image processing, comprising the steps of:

receiving a video signal carrying input information representing moving images occupying an area of a display ***(Fig. 1: 1, 5; Specification page 4, lines 11-12)***; and

processing the received input information and generating an output video signal carrying output information representing moving images occupying the area of display ***(Fig. 1: 1, 2, 3, 5, 10; Fig. 2: 11, 12; Specification page 4, line 16 to page 5, line 2)***,

wherein said method further comprises the steps of:

re-scaling a section of the moving images represented by the input information occupying a selected section of the area of display independently of parts of the moving images occupying the remainder of the area of display ***(Fig. 2: 17; Specification page 5, lines 19-30)***;

including in the output information as much of the information representing the re-scaled section of the moving images, represented by the input signal, as represents a largest part of the re-scaled section of the moving image that would fit substantially within the selected section of the area of display ***(Specification page 5, line 31 to page 6, line 4)***; and

automatically re-scaling the selected section over a number of consecutive frames in a series of moving image frames by operating directly on information representing the series of moving image frames carried by the input video signal ***(Specification page 6, lines 15-23)***.

As claimed in claim 3, the method of the subject invention includes:

generating the output information in such a way that the represented largest part is positioned over the selected section of the area of display ***(Specification page 5, line 31 to page 6, line 4)***.

As claimed in claim 4, the method of the subject invention includes:

analyzing the input information for the presence of pre-defined image elements ***(Specification page 5, lines 10-12)***; and

defining the selected section to encompass at least some of the image elements found to be present ***(Specification page 5, lines 12-18)***.

As claimed in claim 7, the subject invention includes:

A video image processing system, specially adapted for carrying out the method as claimed in claim 1 ***(Specification page 3, lines 16-18; page 4, lines 2-6)***.

As claimed in claim 8, the subject invention includes:

A display device specially adapted for carrying out the method as claimed in claim 1 ***(Specification page 3, lines 19-21; page 4, lines 2-8)***.

As claimed in claim 9, the subject invention includes: A computer-readable medium embodying a computer program product comprising instructions which, when run on a programmable data processing device, enable the programmable data processing device to carry out the method as claimed in claim 1 ***(Specification page 3, lines 22-25)***.

(vi) Grounds of Rejection to be Reviewed on Appeal

(A) Whether the invention, as claimed in claims 1, 3 and 6-9, is anticipated, under 35 U.S.C. 102(b), by U.S. Patent 6,226,040 to Kuo et al.

(B) Whether the invention, as claimed in claims 4 and 5, is unpatentable, under 35 U.S.C. 103(a), over Kuo et al. in view of U.S. Patent 5,161,020 to Sugimori et al.

(vii) Arguments

(A) Whether Claims 3 And 6-9 Are Anticipated By Kuo et al.

35 U.S.C. 102(b) states:

"A person shall be entitled to a patent unless -

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"(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of the application for patent in the United States,...."

(1) Claim 1

The Kuo et al. patent discloses an apparatus for converting video signal, in which a presenter, when making a presentation, is enabled to select a predefined area of a particular picture, outline that area and selective zoom only in the selected area.

As noted in MPEP §2131, it is well-founded that "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." *Verdegaal Bros. v. Union Oil Co. of California,* 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Further, "The identical invention must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.,* 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

The subject invention, as claimed in claim 1, includes the step of "receiving a video signal carrying input information representing moving images occupying an area of a display".

Appellant submits that there is no disclosure or suggestion in Kuo et al. that the video signal applied to the apparatus represents moving images occupying an area of a display. In particular, Kuo et al., at col. 1, lines 12-15, specifically states "The data may be a picture, a photograph, or a document."

The Examiner states:

> "Applicant basically argues that Kuo does not handle motion or moving video frames and instead, it only handles still images. The examiner disagrees. In col. 1, line 40, Kuo states that Microsoft PowerPoint presentation software is being used. It is well known that Powerpoint is capable to handle video clips. For instance, Anderson (U.S. Patent no. 6,683,649) states that video clips captured by a video camera can be presented by the Powerpoint presentation application to an audience through a projector (note col. 2, lines 12-24). Since Kuo employs Powerpoint presentation application, it is fully capable to process video clips according to Anderson. Thus, the rejection still stands."

Appellant submits that nowhere does Kuo et al. state that Microsoft PowerPoint presentation software is being used. Rather, Kuo et al. states at col. 1, lines 34-51:

> "According to the traditional converting device mentioned above, the point of the presenter can not be clearly expressed in the image on the display, the viewer in the presentation can hardly catch the idea of the presenter using the traditional converting devices. In order to solve the problems mentioned above, some kinds of programs in the personal computer 10, such as Micro-soft power point, are designed and used to further process the data. Thus the presenter can use the functions such as zoom and pan or highlight a portion of data. Though the aforementioned functions can be applied when the traditional converting device is used, the compatibility between the software and the data is a problem. The format of most data is usually unacceptable for the presentation software. For example, if the data is a circuit diagram, a waveform, or a block diagram, the aforementioned functions can not be used. Moreover, the installation of the software

is not convenient for the presenter. So the software designed for a presentation is not practical."

From the above, it should be apparent that Kuo et al. is merely using Microsoft PowerPoint as an example of prior art systems that fall short in expressing the point of the presenter. There is no disclosure that Microsoft PowerPoint is being used by the Kuo et al. apparatus.

Furthermore, Kuo et al. is not concerned with the capabilities of Microsoft PowerPoint, the capabilities of which Appellant is well aware. Rather, Kuo et al. presents an apparatus that performs functions unavailable in Microsoft PowerPoint. Similarly, there may be many functions of Microsoft PowerPoint, that have not been contemplated by the Kuo et al. system. While Microsoft PowerPoint is capable of importing and displaying a motion picture sequence, such is not the case with the Kuo et al. system. As noted above, Kuo et al., at col. 1, lines 12-15, specifically states "The data may be a picture, a photograph, or a document."

The subject invention, as claimed in claim 1, further includes the limitation "automatically re-scaling the selected section over a number of consecutive frames in a series of moving image frames by operating directly on information representing the series of moving image frames carried by the input video signal".

Appellant submits that there is no disclosure or suggestion in Kuo et al. that the re-scaling of the selected section should be repeated over "a number of consecutive frames".

(B) Whether Claims 4 and 5 Are Unpatentable Over

Kuo et al. In View Of Sugimori et al.

35 U.S.C. 103(a) states:

> "(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made."

The above arguments concerning Kuo et al. are incorporated herein.

The Sugimori et al. patent discloses a television broadcasting apparatus including monochromatic characters with a colored contour, in which monochromatic characters appearing in a colored background are detected due to their abnormal chrominance signal spectrum, and which then may be selectively removed from the video signal.

However, Appellant submits that Sugimori et al. does not supply that which is missing from Kuo et al., i.e., "receiving a video signal carrying input information representing moving images occupying an area of a display" and "automatically re-scaling the selected section over a number of consecutive frames in a series of moving image frames by operating directly on information representing the series of moving image frames carried by the input video signal".

Based on the above arguments, Appellants believe that the subject invention is not rendered obvious by the prior art and is

patentable thereover. Therefore, Appellants respectfully request that this Board reverse the decisions of the Examiner and allow this application to pass on to issue.

Respectfully submitted,

by /Edward W. Goodman/
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(viii) Claims Appendix

1. (Previously Presented) A method of video image processing, comprising the steps of:

receiving a video signal carrying input information representing moving images occupying an area of a display; and

processing the received input information and generating an output video signal carrying output information representing moving images occupying the area of display, wherein said method further comprises the steps of:

re-scaling a section of the moving images represented by the input information occupying a selected section of the area of display independently of parts of the moving images occupying the remainder of the area of display;

including in the output information as much of the information representing the re-scaled section of the moving images, represented by the input signal, as represents a largest part of the re-scaled section of the moving image that would fit substantially within the selected section of the area of display; and

automatically re-scaling the selected section over a number of consecutive frames in a series of moving image frames by operating directly on information representing the series of moving image frames carried by the input video signal.

2. (Cancelled).

3. (Previously Presented) The method as claimed in claim 2, wherein said method further comprises the step of:

generating the output information in such a way that the represented largest part is positioned over the selected section of the area of display.

4. (Previously Presented) The method as claimed in claim 1, wherein said method further comprises the steps of:

analyzing the input information for the presence of pre-defined image elements; and

defining the selected section to encompass at least some of the image elements found to be present.

5. (Previously Presented) The method as claimed in claim 4, wherein the pre-defined image elements comprise text.

6. (Previously Presented) The method as claimed in claim 1, wherein the received video signal is a component video signal.

7. (Previously Presented) A video image processing system, specially adapted for carrying out the method as claimed in claim 1.

8. (Previously Presented) A display device specially adapted for carrying out the method as claimed in claim 1.

9. (Previously Presented) A computer-readable medium embodying a computer program product comprising instructions which, when run on a programmable data processing device, enable the programmable data processing device to carry out the method as claimed in claim 1.

(ix) Evidence Appendix

There is no evidence which had been submitted under 37 C.F.R. 1.130, 1.131 or 1.132, or any other evidence entered by the Examiner and relied upon by Appellant in this Appeal.

(x) Related Proceedings Appendix

Since there were no proceedings identified in section (ii) herein, there are no decisions rendered by a court or the Board in any proceeding identified pursuant to paragraph (c)(1)(ii) of 37 C.F.R. 41.37.